

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

HEINZ SCHLESINGER

FILE NO. S-78-003

from a ruling of the Superintendent
of Buildings

The appeal is DENIED and the Findings and Decision
of the Superintendent of Buildings is affirmed.

Introduction

Heinz Schlesinger, the appellant, filed an appeal requesting review of the decision of the Superintendent of Buildings to issue a use permit to Carl Daviscount of Daviscount Construction to establish a parking lot as accessory to a church at 3845 Bridgeway North.

The appellant exercised his right to appeal pursuant to Section 25.40, Ordinance 86300, as amended by Ordinance 104795.

Parties to the proceeding were: Heinz Schlesinger, appellant; Joyce Kling representing the Superintendent of Buildings; and Carl Daviscount, applicant, by his attorney Russell Austin.

This matter was heard before the Hearing Examiner on February 7, 1978.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. On December 29, 1976, application for a use permit to establish a school and offices at 3826 Woodland Park Avenue N. was filed. Notice of intention to grant that permit was published on January 4, 1977. No appeal was taken but the plans were modified and the permit has not yet been issued. Offices and the school have been established and are in use.

2. Required parking for the uses has been set at 7 spaces for Western Washington State College, classified as a trade school, (30 students and one faculty member); 2 spaces for the KEZX radio station; and one for the Daviscount Construction office. Two of the required spaces are to be located on site. The remaining eight are to be located at 3845 Bridgeway North, a proposed accessory to the Woodland Park Church of God, 3902 Woodland Park Avenue North, by covenant.

3. The notice of intention to grant a use permit for the parking lot was published on January 5, 1978. This appeal followed.

4. At the urging of the Building Department the applicant is providing additional parking on another lot on Albion Place N. This is in addition to that required and

therefore does not have to meet the location requirement or have a covenant filed.

5. The church is not required to provide parking space for its own use since it pre-existed the parking requirement.

6. The appellant intended, by his appeal, to raise the issues of lack of sufficient parking and late night noise and other nuisance from the operation of the trade school. The enrollment figures he offered were substantially higher than those provided to the Superintendent. The appellant lives at 3815 Woodland Park Avenue N. which is across the street from the school and offices. As a result of the school operation his enjoyment of his home has substantially decreased.

7. A Declaration of Non Significance was published January 13, 1978. No appeal was taken from that determination.

Conclusions

1. The main issues raised by the appellant went to the correctness of the decision to grant the use permit for the principal use. While there is no question that the area is feeling the effects of the trade school use, even prior to its being legalized, the period for appeal from the Superintendent's decision to grant that use permit has passed unless modification of the plan requires a new notice of intention to issue a permit in which case those issues should be raised at that time.

2. Since the establishment of a church accessory parking use in a General Commercial (CG) zone is permitted outright the Superintendent is correct in granting a use permit unless other requirements of the code such as those for access and dimensions are not met. The appellant's testimony about the number of students attending the school raised a question which the Superintendent may want to check prior to issuing a permit but he did not show, by a preponderance of the evidence, that the Superintendent's decision to grant the permit was in error.

Decision

The appeal is DENIED and the Findings and Decision of the Superintendent of Buildings are affirmed.

Entered this 16th day of February, 1978.

M. Margaret Klockars
M. Margaret Klockars
Deputy Hearing Examiner

Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.